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VIA ECF

March 23, 2020

Hon. Kevin N. Fox
United States District Court – Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: **Wedil David v. Harvey Weinstein, et al - Case No.: 1:18-cv-05414-RA-KNF**

Dear Judge Fox,

I represent the Defendant Harvey Weinstein (hereinafter “Mr. Weinstein”) in the abovementioned matter, having filed my Notice of Appearance as new counsel on March 2, 2020. I respectfully submit this letter in regard to the deadline of March 23, 2020 for complying with this Court’s order of March 9, 2020 [Doc. No. 216]. That deadline, due to circumstances beyond our control, cannot be met, and therefore, we respectfully request an extension to May 15, 2020.

On this date, we received the consent of counsel for the co-defendant for the extension to May 15, 2020. Plaintiff’s attorney does not object to a previously discussed extension to April 24, 2020, but maintains that any extension beyond that date should be made by a separate application, as the undersigned would not confirm press reports regarding a positive diagnosis of COVID-19 by Mr. Weinstein, out of respect to his privacy rights under HIPAA. It is Mr. Weinstein’s position that due to the current coronavirus crisis, and a cessation of nonessential business in New York by way of state executive order, along with the reasons set forth below, that the May 15, 2020 extension is appropriate based on a practical and realistic assessment of the current circumstances.

As you know, on February 24, 2020, Mr. Weinstein was found guilty of two felony counts in the indictment, and on March 11, 2020, he was sentenced to an aggregate term of 23 years in prison in the case of *People v. Harvey Weinstein*, Ind. No. 2673/2019 and 2335/2018, Supreme Court of the State of New York, County of New York, Criminal Term, Part 99. Furthermore, on January 6, 2020, the very day jury selection was set to commence in the New York trial, the Los Angeles County District Attorney announced that they have charged Mr. Weinstein with multiple felony counts relating to allegations of sexual misconduct (*People of the State of California v. Harvey Weinstein*, Case No. BA483663, Superior Court of California of the County of Los Angeles). Although Mr. Weinstein remains steadfast in his legal defense of the instant action, and

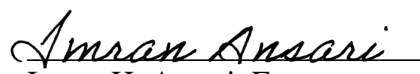
intends to appeal the verdict rendered against him in New York, and fight the charges levied against him in Los Angeles, extenuating circumstances due to events unfolding in the criminal prosecutions, communication frustrated by the incarceration and hospitalization in multiple correctional facilities due to the decline of Mr. Weinstein's health, and the advent of the unprecedented COVID-19 crisis, have made it an onerous, if not impossible, burden to meet the court's deadline.

Last week, Mr. Weinstein, as he turned 68-years-old, entered Wende Correctional Facility, an upstate maximum security prison outside of Buffalo, while suffering from multiple debilitating medical conditions. Mr. Weinstein's health has dramatically declined during the course of his prosecution in New York, encumbered by the emotional and physical stress of trial, and a number of worsening health conditions, such as cardiac and circulatory issues, bouts of dangerously high blood pressure, and orthopedic injuries of his spine. Following his conviction and sentencing, Mr. Weinstein's medical condition required him to be transported between the prison ward in Bellevue Hospital, and the prison infirmary at Rikers Island, before he was moved upstate to Wende Correctional Facility by way of Elmira Correctional Facility. Because of the restricted access, multiple facility movements, and health concerns, the undersigned's ability to prepare discovery responses in consultation with Mr. Weinstein have been frustrated. Most critically, to further complicate these already unsurmountable factors, due to COVID-19, the nation, and particularly New York, is now facing a pandemic of unprecedented proportions. Mr. Weinstein, due to his compromised state of health, is an at-risk individual. Communication, visitation, and the logistics of participation with counsel in the defense of this matter have been complicated. In sum, the events over the past month have been a perfect storm for Mr. Weinstein, and in the interest of justice, and in recognition of these unprecedented times, an extension to May 15, 2020 is wholly proper.

It is in the Court's discretion to order the extension in light of these extenuating circumstances. While it is recognized that the Court warned against further extensions, and must administer its calendar as it sees fit, in these circumstances, where plaintiff does not oppose the extension, at the very least until April 24, 2020, and the co-defendant does not oppose the extension to May 15, 2020, the parties will suffer no objectionable delay, and the Court will not be burdened with an aggrieved party. As such, no prejudice to those parties will occur. However, to proceed in light of the circumstances detailed herein will cause Mr. Weinstein significant personal and physical hardship, and his current inability to participate in the defense of this matter will result in prejudice.

For the foregoing reasons, we respectfully request that the Court issue an order extending the time for Mr. Weinstein to respond to the plaintiff's discovery request, as per the Court's March 9, 2020 order, from March 23, 2020, to May 15, 2020.

Respectfully Submitted,


Imran H. Ansari, Esq.

CC: All Counsel of Record (via ECF)